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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/711,710

09/30/2004

Robert Africa

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02/19/2010

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EXAMINER

HOEY, ALISSA L

ART UNIT

PAPER NUMBER

3765

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Supplemental
Notice of Allowability**

Application No.

10/711,710

Examiner

Alissa L. Hoey

Applicant(s)

AFRICA ET AL.

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 01/25/10 and 01/29/10.
2. ☒ The allowed claim(s) is/are 13-19,50,57 and 59-67.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

/Alissa L. Hoey/
Primary Examiner, Art Unit 3765

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Traver on 11/17/09.

The application has been amended as follows:

Replace claim 13 with the following:

13. A multi-layer pad for bicycling shorts, comprising: a first cloth layer; the first cloth layer being elastic; a second cloth layer; the second cloth layer being elastic and having at least one inelastic portion; a first continuous foam layer; the first continuous foam layer coupled to the first cloth layer; the first continuous foam layer located between the first cloth layer and the second cloth layer and contacting the first cloth layer and the second cloth layer; the first continuous foam layer being elastic such that the chamois stretches; at least one foam pad coupled to the first continuous foam layer wherein the at least one foam pad is aligned to support at least the buttocks area of a user; the at least one foam pad positioned between the first continuous foam layer and the second cloth layer; the first continuous foam layer interposed between the first cloth layer and the at least

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one foam pad to prevent contact between the at least one foam pad and the first cloth layer; and

the at least one foam pad aligned with the at least one inelastic portion of the second cloth layer, such that the at least one foam pad is inhibited from stretching.

Replace claim 14 with the following:

14. The multi-layer pad of claim 13, wherein the at least one foam pad is inelastic.

Replace claim 15 with the following:

15. The multi-layer pad of claim 13, wherein the at least one foam pad is elastic.

Replace claim 16 with the following:

16. The multi-layer pad of claim 13, wherein at least the second cloth layer contains an anti-microbial material.

Replace claim 17 with the following:

17. The multi-layer pad of claim 13, wherein the first cloth layer comprises an inelastic portion aligned with the at least one foam pad.

Replace claim 18 with the following:

18. The multi-layer pad of claim 14, wherein the at least one foam pad is denser than the first continuous foam layer.

Replace claim 19 with the following:

19. The multi-layer pad of claim 14, wherein the at least one foam pad comprises multiple densities at least one of which is denser than the first continuous foam layer.

Replace claim 50 with the following:

50. The multi-layer pad of claim 13, wherein the chamois is flexible.

Replace claim 57 with the following:

57. The multi-layer pad of claim 13, further comprising the first continuous foam layer coupled to the second cloth layer.

Replace claim 59 with the following:

59. A multi-layer pad for cycling shorts configured to support at least the buttocks area of a user, comprising:
first and second elastic cloth layers, wherein the second elastic cloth layer has at least one inelastic portion;
a continuous foam layer positioned between and in contact with the first and second elastic cloth layers, wherein the continuous foam layer is coupled to the first and second elastic cloth layers;

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at least one foam pad positioned between the continuous foam layer and the second elastic cloth layer, wherein the at least one foam pad is coupled to the continuous foam layer, wherein the continuous foam layer is interposed between the at least one foam pad and the elastic cloth layer to prevent the at least one foam pad from contacting the first elastic cloth layer and wherein the at least one foam pad is aligned with the at least one inelastic portion to inhibit the at least one foam pad from stretching and wherein the at least one foam pad is aligned to support at least the buttocks area of a user.

Replace claim 60 with the following:

60. The multi-layer pad of claim 59, wherein at least one of the following is true: I) the at least one foam pad is elastic; II) the at least one foam pad is inelastic; III) the at least one foam pad is denser than the first continuous foam layer; and IV) the at least one foam pad comprises multiple densities, wherein at least one of the multiple densities is denser than the first continuous foam layer.

Replace claim 61 with the following:

61. The multi-layer pad of claim 59, wherein the chamois is flexible.

Replace claim 62 with the following:

62. The multi-layer pad of claim 59, wherein at least the second elastic cloth layer contains an anti-microbial material.

Replace claim 63 with the following:

63. The multi-layer pad of claim 59, wherein the first elastic cloth layer comprises at least one inelastic portion aligned with the at least one foam pad.

Replace claim 64 with the following:

64. A multi-layer pad for cycling shorts configured to support at least the buttocks area of a user, comprising:
first and second elastic cloth layers, wherein the second elastic cloth layer has at least one inelastic portion;
a continuous foam layer positioned between and in contact with the first and second elastic cloth layers, wherein the continuous foam layer is coupled to the first and second elastic cloth layers;
at least one foam pad positioned between the continuous foam layer and the second elastic cloth layer, wherein the at least one foam pad is: a) coupled to the continuous foam layer, b) aligned with the at least one inelastic portion to inhibit the at least one foam pad from stretching, c) prevented from contacting the first cloth layer by the interposition of the continuous foam layer between the first elastic cloth layer and the at least one foam pad, d) one of a inelastic or elastic material, e) denser than the first continuous foam layer, and f) aligned to support at least the buttocks area of a user.

Replace claim 65 with the following:

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65. The multi-layer pad of claim 64, wherein the first cloth layer comprises at least one inelastic portion aligned with the at least one foam pad.

Replace claim 66 with the following:

66. The multi-layer pad of claim 64, where the chamois is flexible and wherein the at least the second cloth layer contains an anti-microbial material.

Replace claim 67 with the following:

67. The multi-layer pad of claim 64, wherein the foam pad comprises multiple densities and wherein at least one of the multiple densities is denser than the first continuous foam layer.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alissa L. Hoey whose telephone number is (571) 272-4985. The examiner can normally be reached on M-F (8:00-5:30) Second Friday Off. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alissa L. Hoey/

Primary Examiner, Art Unit 3765